

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NORTHERN DIVISION
No. 2:10-CV-00029-D

On October 29, 2010, the plaintiffs filed a motion requesting permission to file a second amended complaint [D.E. 39]. On November 15, 2010, the Town of Nags Head (“defendant” or “Town”) filed a response to the plaintiffs’ motion to amend [D.E. 42]. The Town does not oppose the plaintiffs’ motion so long as the Town is given sufficient opportunity to file pleadings or responsive motions and conduct additional discovery relating to new claims and allegations in the second amended complaint. Def.’s Resp. to Mot. Amend Compl. 1–2.

Pursuant to the court's scheduling order [D.E. 32], the parties were given leave to amend their pleadings on or before October 29, 2010 without meeting the standards of Fed. R. Civ. P. 15 and 16. Therefore, the court will allow plaintiffs to file the second amended complaint. The Town may respond to the amended complaint in accordance with the Federal Rules of Civil Procedure. See Fed. R. Civ. P. 15(a)(3).

Accordingly, the court GRANTS the plaintiffs' motion to file a second amended complaint [D.E. 39] and orders plaintiffs to file their second amended complaint by December 10, 2010. Defendant's motion to dismiss the complaint [D.E. 24] is DENIED as moot.

SO ORDERED. This 6 day of December 2010.


JAMES C. DEVER III
United States District Judge